Magistrate Judge John L. Weinberg

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AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA, Plaintiff, v. PAEPAEGA MATAUTIA, JR. Defendant.	MAGISTRATE'S DOCKET CASE NO. MJ08-5157 COMPLAINT for VIOLATION Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(B), and 963

BEFORE The Honorable John L. Weinberg, United States Magistrate Judge, 700 Stewart Street, Seattle, Washington.

The undersigned complainant being duly sworn states:

COUNT 1
(Attempted Possession of Cocaine with Intent to Distribute)

On or about July 30, 2008, in Puyallup, within the Western District of Washington, PAEPAEGA MATAUTIA, JR., did knowingly and intentionally attempt to possess, with intent to distribute, cocaine base in the form of crack cocaine, a substance controlled under Schedule II, Title 21, United States Code, Section 812.

It is further alleged that the offense involved five grams or more of a mixture or substance containing a detectable amount of cocaine base in the form of crack cocaine.

All in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(B), and 963.

08-MJ-05157-CMP

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The undersigned complainant, being first duly sworn on oath, deposes and says:

INTRODUCTION

1. I, Jeremy Blauser, am a Special Agent with the Federal Bureau of Investigation (FBI). I have served as an FBI agent for almost eight years. I graduated from the FBI Academy in 2001. While at the Academy, I received intensive training on narcotics trafficking investigations. During my FBI career, I have assisted in the investigations of at least ten cases involving violations of the Controlled Substances Act, Title 21, United States Code, Section 801, et. seq. and related violations. Based on my training and experience, I have become familiar with the common practices of drug dealers and couriers. I am currently assigned to the Tacoma Resident Agency, where my primary responsibilities include the investigation of public corruption and white collar crimes.

2. The information set forth in this criminal complaint consists of information I gathered and observed firsthand through the course of this investigation, as well as information relayed to me by other law enforcement personnel, information gathered from police reports, and information gathered through interviews of witnesses and suspects. The information set forth in this affidavit is not intended to detail each and every fact and circumstance of the investigation, nor is it intended to detail everything I know about the investigation. Rather, this affidavit serves to establish that probable cause exists to believe that PAEPAEGA MATAUTIA, JR. committed the crime of attempted possession of cocaine base with intent to distribute.

FACTS IN SUPPORT OF PROBABLE CAUSE

3. On July 24, 2008, I met with a confidential informant (CI), who provided information regarding a man that he/she knows as "Junior." The CI informed me that he/she had been asked on several occasions by a friend of his/hers named Lawrence to pick up and deliver drugs to "Junior," so that "Junior" in turn could deliver the drugs to Lawrence. The CI explained that he/she and Lawrence had been involved in a romantic

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relationship since October of 2006, and that he/she abided by Lawrence's requests because he/she loved and feared him.

4. I had come into contact with the CI through another confidential source, who had been conducting recorded telephone calls with the CI, unbeknownst to the CI. During those recorded telephone calls, the CI told the other confidential source that he/she was delivering drugs for a friend of his/hers named Lawrence. The information the CI provided to me on July 24, 2008, was consistent with what he/she had told the other confidential source during the recorded telephone calls.

5. On July 28, 2008, the CI called me, and frantically described how Lawrence wanted him/her to deliver another set of drugs soon. We discussed what Lawrence had asked of him/her for several minutes. Shortly thereafter, the CI became agitated and reported that, at that very moment, he/she was at home and that someone was approaching his/her pickup truck, which was parked outside his/her home. The CI then said that the person was leaving.

6. Moments later, Lawrence unexpectedly called the CI and told him/her that he wanted him/her to get something and deliver it to "Junior." Ironically, I was still on the telephone with the CI when he/she received the call, on a different phone, from Lawrence. The CI placed his/her call with Lawrence on speaker phone, so that I could hear their conversation. I heard Lawrence asking the CI whether "they" had delivered an item to the CI. He/She said, "they just delivered it." The CI also explained that the package was sitting outside, in his/her pickup truck. Lawrence then told the CI, "What are you waiting for? Go get it!" There was a pause in the conversation, and then the CI stated that he/she had retrieved the item, that it was a kleenex that contained a lot of white rocks. Lawrence then had a discussion with the CI about when he/she would be able to deliver the rocks.

7. The CI soon got off the phone with Lawrence. I instructed him/her to hold

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onto the package, and that an FBI agent would come to his/her house to pick it up. FBI Special Agent Scott Saxon drove to the CI's home that same day and received from the CI the white kleenex.

8. The rocks were transported to FBI evidence, where they field-tested positive for cocaine. The rocks, which were tightly wrapped in very thin plastic, weighed approximately 5.4 grams with the plastic. I estimate that the plastic weighed approximately .2 grams. There were approximately ten to fifteen large chunks of cocaine base in the plastic.

9. On July 29, 2008, the CI, at my direction, was able to convince Lawrence that he/she could not deliver the rocks to "Junior" until the following day. This allowed the FBI additional time to plan for an intended "buy bust" operation.

10. On July 30, 2008, the CI conducted several recorded phone calls with Lawrence and "Junior" at my direction. The CI told Lawrence that he/she was ready to make the delivery. Lawrence advised him/her to work out the logistics of the delivery with "Junior." The CI called "Junior," and told him that he/she could not meet with him in the morning, but that he/she could meet him during the afternoon of July 30, 2008. "Junior" told the CI to meet him at a Safeway parking lot in Puyallup, Washington, and gave the CI directions to the Safeway.

11. On July 30, 2008, the FBI conducted a "buy bust" operation with the CI. It was determined that the CI would deliver to "Junior" a cigarette box that contained sham rocks of cocaine. The CI was under constant surveillance during the operation and had been searched both prior to and after the operation. FBI agents did not find any drugs or money on the CI's person either prior to or after the operation. The FBI provided the CI with a cigarette box that contained sham rocks of cocaine.

12. At approximately 2:45 p.m., the CI drove to a Safeway parking lot in Puyallup, Washington. A man later identified as PAEPAEGA MATAUTIA, JR. arrived at the parking lot. He met up with the CI, who then gave the cigarette box containing the sham drugs to PAEPAEGA MATAUTIA, JR. The FBI then arrested PAEPAEGA

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MATAUTIA, JR., and found on his person the cigarette box containing the sham rocks of cocaine.

13. I read PAEPAEGA MATAUTIA, JR. his *Miranda* rights, which he stated he understood and waived. At no time during my conversation with him did PAEPAEGA MATAUTIA, JR. express any confusion over his rights or a desire to speak with an attorney. PAEPAEGA MATAUTIA, JR. told me that he knows Lawrence, and has been asked by Lawrence on at least eight occasions to bring him packages of items. He admitted that he knew that he was delivering drugs to Lawrence on each occasion, and that the drugs were always in cigarette boxes. He also stated that he knew that the cigarette box that he picked up from the CI was supposed to contain drugs, and that he was planning on delivering the drugs to Lawrence the following day.

CONCLUSION

14. Based on the aforementioned facts, I believe that there is probable cause to believe that PAEPAEGA MATAUTIA, JR. committed the offense of attempted possession of cocaine with intent to distribute in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(B), and 963.

JEREMY BLAUSER, Complainant
Special Agent
FBI

Based on the Complaint and Affidavit sworn to before me, and subscribed in my presence, the Court hereby finds that there is probable cause to believe that PAEPAEGA MATAUTIA, JR. committed the offenses set forth in the Complaint.

DATED this 31 day of July, 2008.

JOHN L. WEINBERG
United States Magistrate Judge

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